101ST CONGRESS
2d Session

SENATE

TREATY DOC.
101-20

TREATY ON THE FINAL SETTLEMENT WITH RESPECT TO GERMANY AND A RELATED AGREED MINUTE

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE TREATY ON THE FINAL SETTLEMENT WITH RESPECT TO GERMANY AND ITS RELATED AGREED MINUTE, SIGNED BY THE UNITED STATES OF AMERICA, THE FEDERAL REPUBLIC OF GERMANY, THE GERMAN DEMOCRATIC REPUBLIC, THE FRENCH REPUBLIC, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN MOSCOW ON SEPTEMBER 12, 1990

SEPTEMBER 26, 1990.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE

39-118 WASHINGTON : 1990

S385-13

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *September 25, 1990.*

To the Senate of the United States:

I submit herewith, for Senate advice and consent to ratification, the Treaty on the Final Settlement with Respect to Germany and a Related Agreed Minute, signed by the United States, the Federal Republic of Germany, the German Democratic Republic, the French Republic, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland in Moscow on September 12, 1990. I transmit also, for the information of the Senate, a report of the Department of State with respect to this Treaty.

The Treaty that I am submitting today is the culmination of 6 months' negotiation among its six signatories in what has come to be called the "Two-plus-Four" forum, established for this purpose at Ottawa in February 1990. This agreement will end the artificial division of Germany and Berlin; it provides for the full withdrawal of all Soviet forces over the next 4 years; and it terminates all remaining Four-Power rights and responsibilities for Berlin and for Germany as a whole. It thus creates the basis for the emergence of a united, democratic, and sovereign Federal Republic of Germany, capable and ready to assume a full and active partnership in the North Atlantic Alliance, the European Community, and in the many other fora for international cooperation to which the Federal Republic of Germany has already contributed significantly.

The Treaty makes clear that the current borders of the Federal Republic of Germany and German Democratic Republic shall be the final and definitive borders of a united Germany. All the provisions relating to Germany's border with Poland were worked out with the participation and approval of the Government of Poland.

The Treaty specifies that the right of a united Germany to belong to alliances with all the rights and responsibilities arising therefrom shall not be affected by any of its provisions.

The Treaty provides for the withdrawal of all Soviet troops from the territory of a united Germany by the end of 1994. The Treaty also provides for the continued presence of British, French, and American troops in Berlin during the interim period at the request of the German government. During this period the German government shall have complete freedom regarding the stationing of territorial defense units of its own armed forces within the territory of the former German Democratic Republic, and these armed forces shall remain outside the integrated NATO military command structure. Following the departure of Soviet troops by 1994, there shall be no remaining limitations regarding the location of German

armed forces throughout Germany and their integration with NATO structures. Non-German Allied forces and nuclear weapons systems shall not be stationed or deployed within the territory of the present German Democratic Republic. The Agreed Minute, for which I am also seeking your advice and consent, provides a special rule for application of the term "deployed."

The Treaty contains a number of assurances provided by the Federal Republic of Germany and the German Democratic Republic on behalf of a united Germany. Among these are a reaffirmation of their renunciation of nuclear, biological, and chemical weapons, and their stated undertaking to reduce the personnel strength of the German armed forces to 370,000 within 3 to 4 years.

Finally, the Treaty provides for the termination of all remaining Four-Power rights and responsibilities for Berlin and Germany as a whole.

I would also like to draw to the attention of the Senate the texts of three letters that were exchanged on issues arising in the context of the unification of Germany (enclosed as attachments to the report of the Department of State). The first is a letter from Secretary of State Baker to Foreign Minister Genscher of the Federal Republic of Germany dated September 11, 1990; the second is a letter from Foreign Minister Genscher and Prime Minister and Foreign Minister de Maiziere of the German Democratic Republic to their counterparts in the Two-plus-Four negotiations dated September 12, 1990; and the third is a letter dated September 18, 1990, from Foreign Minister Genshcer to Secretary Baker.

In their letter of September 12 to their counterparts in the Two-plus-Four negotiations, Foreign Minister Genscher of the Federal Republic of Germany and Prime Minister and Foreign Minister de Maiziere of the German Democratic Republic formally convey several additional assurances. Among these are their declaration that the constitution of a united Germany will protect the free democratic order and provide the continuing basis for prohibiting parties and associations with National Socialist aims. In his letter of September 18 to Secretary Baker, Foreign Minister Genscher also makes clear that the Government of a united Germany accepts responsibility for the resolution of unresolved claims against the German Democratic Republic, both of American citizens, and of Jewish victims of the Nazi regime. In this letter he commits his government to seek, shortly after unification, to provide expeditious and satisfactory resolution of claims of Jewish victims of the Nazi regime against the German Democratic Republic. In this same letter he states that the Federal Republic of Germany will, shortly after unification, resolve through negotiations with the United States Government the claims of U.S. nationals that were previously under discussion with the German Democratic Republic. The commitments contained in these two letters are further evidence that the Government of the united Germany will sustain and build on the exemplary record of the Federal Republic of Germany in promoting democratic values.

The Treaty represents a major achievement for our German allies, who have not forgotten the past or the role Germany once played in the horrors of 1933–45, but who have demonstrated over

4 decades of steadfast support for democracy and the Western alliance what the world can expect from the united Germany.

The Treaty is also a tribute to the courage and the determination of the people of Germany to achieve unity in peace, freedom, and concord with their neighbors.

The emergence of a free, united, and democratic Germany, linked to the United States and to its European neighbors by indissoluble ties of friendship, common values, and mutual interests, and ready to act as a full partner within a broader community of democratic nations, has been an enduring goal of American foreign policy for over 40 years. Seldom has any President had the privilege of submitting for the Senate's advice and consent an agreement which so fully realizes our national purposes. This agreement is the result of decades of steadfast effort and resolve on the part of past Presidents and Congresses, and our Allies. It is an achievement of which we can all be proud.

It is wholly fitting that Germany formally and irrevocably achieve its unified status at the earliest possible moment, unfettered by Four-Power rights, shared by the Soviet Union, which are now outmoded and unnecessary. I therefore ask the Senate to act expeditiously in giving its advice and consent to ratification of the Treaty and the Related Agreed Minute.

GEORGE BUSH.

TREATY ON THE FINAL SETTLEMENT WITH RESPECT TO GERMANY

The Federal Republic of Germany, the German Democratic Republic, the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Conscious of the fact that their peoples have been living together in peace since 1945;

Mindful of the recent historic changes in Europe which make it possible to overcome the division of the continent;

Having regard to the rights and responsibilities of the Four Powers relating to Berlin and to Germany as a whole, and the corresponding wartime and post-war agreements and decisions of the Four Powers;

Resolved, in accordance with their obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

Recalling the principles of the Final Act of the Conference on Security and Cooperation in Europe, signed in Helsinki;

Recognizing that those principles have laid firm foundations for the establishment of a just and lasting peaceful order in Europe;

Determined to take account of everyone's security interests;

Convinced of the need finally to overcome antagonism and to develop cooperation in Europe;

Confirming their readiness to reinforce security, in particular by adopting effective arms control, disarmament and confidence-building measures; their willingness not to regard each other as adversaries but to work for a relationship of trust and cooperation; and

accordingly their readiness to consider positively setting up appropriate institutional arrangements within the framework of the Conference on Security and Cooperation in Europe;

Welcoming the fact that the German people, freely exercising their right of self-determination, have expressed their will to bring about the unity of Germany as a state so that they will be able to serve the peace of the world as an equal and sovereign partner in a united Europe;

Convinced that the unification of Germany as a state with definitive borders is a significant contribution to peace and stability in Europe;

Intending to conclude the final settlement with respect to Germany;

Recognizing that thereby, and with the unification of Germany as a democratic and peaceful state, the rights and responsibilities of the Four Powers relating to Berlin and to Germany as a whole lose their function;

Represented by their Ministers for Foreign Affairs who, in accordance with the Ottawa Declaration of 13 February 1990, met in Bonn on 5 May 1990, in Berlin on 22 June 1990, in Paris on 17 July 1990 with the participation of the Minister for Foreign Affairs of the Republic of Poland, and in Moscow on 12 September 1990;

Have agreed as follows:

ARTICLE 1

(1) The united Germany shall comprise the territory of the Federal Republic of Germany, the German Democratic Republic and the whole of Berlin. Its external borders shall be the borders of the Federal Republic of Germany and the German Democratic Republic and shall be definitive from the date on which the present Treaty comes into force. The confirmation of the definitive nature of the borders of the united Germany is an essential element of the peaceful order in Europe.

(2) The united Germany and the Republic of Poland shall confirm the existing border between them in a treaty that is binding under international law.

(3) The united Germany has no territorial claims whatsoever against other states and shall not assert any in the future.

(4) The Governments of the Federal Republic of Germany and the German Democratic Republic shall ensure that the constitution of the united Germany does not contain any provision incompatible with these principles. This applies accordingly to the provisions laid down in the preamble, the second sentence of Article 23, and Article 146 of the Basic Law for the Federal Republic of Germany.

(5) The Governments of the French Republic, the Union of Soviet Socialist Republics, the United Kindgom of Great Britain and Northern Ireland and the United States of America take formal note of the corresponding commitments and declarations by the Governments of the Federal Republic of Germany and the German Democratic Republic and declare that their implementation will confirm the definitive nature of the united Germany's borders.

ARTICLE 2

The Governments of the Federal Republic of Germany and the German Democratic Republic reaffirm their declarations that only peace will emanate from German soil. According to the constitution of the united Germany, acts tending to and undertaken with the intent to disturb the peaceful relations between nations, especially to prepare for aggressive war, are unconstitutional and a punishable offence. The Governments of the Federal Republic of Germany and the German Democratic Republic declare that the united Germany will never employ any of its weapons except in accordance with its constitution and the Charter of the United States.

ARTICLE 3

(1) The Governments of the Federal Republic of Germany and the German Democratic Republic reaffirm their renunciation of the manufacture and possession of and control over nuclear, biological and chemical weapons. They declare that the united Germany, too, will abide by these commitments. In particular, rights and obligations arising from the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 will continue to apply to the united Germany.

(2) The Government of the Federal Republic of Germany, acting in full agreement with the Government of the German Democratic Republic, made the following statement on 30 August 1990 in Vienna at the Negotiations on Conventional Armed Forces in Europe:

> The Government of the Federal Republic of Germany undertakes to reduce the personnel strength of the armed forces of the united Germany to 370,000 (ground, air and naval forces) within three to four years. This reduction will commence on the entry into force of the first CFE agreement. Within the scope of this overall ceiling no more than 345,000 will belong to the ground and air forces which, pursuant to the agreed mandate, alone are the subject to the Negotations on Conventional Armed Forces in Europe. The Federal Government regards its commitment to reduce ground and air forces as a signficant German contribution to the reduction of conventional armed forces in Europe. It assumes that in follow-on negotiations the other participants in the negotiations, too, will render their contribution to enhancing security and stability in Europe, including measures to limit personnel strengths.

The Government of the German Democratic Republic has expressly associated itself with this statement.

(3) The Governments of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America take note of these statements by the Governments of the Federal Republic of Germany and the German Democratic Republic.

ARTICLE 4

(1) The Governments of the Federal Republic of Germany, the German Democratic Republic and the Union of Soviet Socialist Republics state that the united Germany and the Union of Soviet Socialist Republics will settle by treaty the conditions for and the duration of the presence of Soviet armed forces on the territory of the present German Democratic Republic and of Berlin, as well as the conduct of the withdrawal of these armed forces which will be completed by the end of 1994, in connection with the implementation of the undertaking of the Federal Republic of Germany and the German Democratic Republic referred to in paragraph 2 of Article 3 of the present Treaty.

(2) The Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America take note of this statement.

ARTICLE 5

(1) Until the completion of the withdrawal of the Soviet armed forces for the territory of the present German Democratic Republic and of Berlin in accordance with Article 4 of the present Treaty, only German territorial defence units which are not integrated into the alliance structures to which German armed forces in the rest of German territory are assigned will be stationed in that territory as armed forces of the united Germany. During that period and subject to the provisions of paragraph 2 of this Article, armed forces of other states will not be stationed in that territory or carry out any other military activity there.

(2) For the duration of the presence of Soviet armed forces in the territory of the present German Democratic Republic and of Berlin, armed forces of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America will, upon German request, remain stationed in Berlin by agreement to this effect between the Government of the united Germany and the Govenments of the states concerned. The number of troops and the amount of equipment of all non-German armed forces stationed in Berlin will not be greater than at the time of signature of the present Treaty. New categories of weapons will not be introduced there by non-German armed forces. The Government of the united Germany will conclude with the Governments of those states which have armed forces stationed in Berlin treaties with conditions which are fair taking account of the relations existing with the states concerned.

(3) Following the completion of the withdrawal of the Soviet armed forces from the territory of the present German Democratic Republic and of Berlin, units of German armed forces assigned to military alliance structures in the same way as those in the rest of German territory may also be stationed in that part of Germany, but without nuclear weapon carriers. This does not apply to conventional weapon systems which may have other capabilities in addition to conventional ones but which in that part of Germany are equipped for a conventional role and designated only for such. Foreign armed forces and nuclear weapons or their carriers will not be stationed in that part of Germany or deployed there.

ARTICLE 6

The right of the united Germany to belong to alliances, with all the rights and responsibilities arising therefrom, shall not be affected by the present Treaty.

ARTICLE 7

(1) The French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America hereby terminate their rights and responsibilities relating to Berlin and to Germany as a whole. As a result, the corresponding, related quadripartite agreements, decisions and practices are terminated and all related Four Power institutions are dissolved.

(2) The United Germany shall have accordingly full sovereignty over its internal and external affairs.

ARTICLE 8

(1) The present Treaty is subject to ratification or acceptance as soon as possible. On the German side it will be ratified by the united Germany. The Treaty will therefore apply to the united Germany.

(2) The instruments of ratification or acceptance shall be deposited with the Government of the united Germany. That Government shall inform the Governments of the other Contracting Parties of the deposit of each instrument of ratification or acceptance.

ARTICLE 9

The present Treaty shall enter into force for the united Germany, the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the date of deposit of the last instrument of ratification or acceptance by these states.

ARTICLE 10

The original of the present Treaty, of which the English, French, German and Russian texts are equally authentic, shall be deposited with the Government of the Federal Republic of Germany, which shall transmit certified true copies to the Governments of the other Contracting Parties.

ZU URKUND DESSEN haben die unterzeichneten, hierzu gehörig Bevollmächtigten diesen Vertrag unterschrieben.

GESCHEHEN zu Moskau am 12. September 1990

IN WITNESS WHEREOF, the undersigned plenipotentiaries, duly authorized thereto, have signed this Treaty.

DONE at Moscow this twelfth day of September 1990.

EN FOI DE QUOI, les plénipotentiaires soussignés, dûment habilités à cet effet, ont signé le présent Traité.

FAIT à Moscou, le 12 septembre 1990

В УДОСТОВЕРЕНИЕ ЧЕГО нижеподписавшиеся, должным образом уполномоченные, подписали настоящий Договор.

СОВЕРШЕНО в Москве, 12 сентября 1990 г.

Für die Bundesrepublik Deutschland
For the Federal Republic of Germany
Pour la République fédérale d'Allemagne
За Федеративную Республику Германию

Für die Deutsche Demokratische Republik
For the German Democratic Republic
Pour la République démocratique allemande
За Германскую Демократическую Республику

Für die Französischen Republik
For the French Republic
Pour la République francaise
За Французскую Республику

Roland Dumas

Für die Union der Sozialistischen Sowjetrepubliken
For the Union of Soviet Socialist Republics
Pour l'Union des Républiques socialistes soviètiques
За Союз Советских Социалистических Республик

Für das Vereinigte Königreich Großbritannien und Nordirland
For the United Kingdom of Great Britain and Northern Ireland
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
За Соединенное Королевство Великобритании и Северной Ирландии

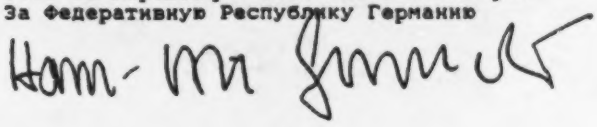
Für die Vereinigten Staaten von Amerika
For the United States of America
Pour les Etats-Unis d'Amérique
За Соединенные Штаты Америки

James A. Baker III

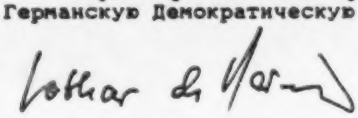
AGREED MINUTE TO THE TREATY ON THE FINAL SETTLEMENT WITH RESPECT TO GERMANY OF 12 SEPTEMBER 1990

Any questions with respect to the application of the word "deployed" as used in the last sentence of paragraph 3 of Article 5 will be decided by the Government of the united Germany in a reasonable and responsible way taking into account the security interests of each Contracting Party as set forth in the preamble.

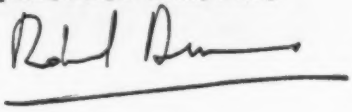
Für die Bundesrepublik Deutschland
For the Federal Republic of Germany
Pour la République fédérale d'Allemagne
За Федеративную Республику Германию



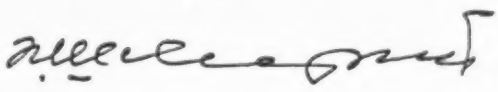
Für die Deutsche Demokratische Republik
For the German Democratic Republic
Pour la République démocratique allemande
За Германскую Демократическую Республику



Für die Französischen Republik
For the French Republic
Pour la République francaise
За Французскую Республику



Für die Union der Sozialistischen Sowjetrepubliken
For the Union of Soviet Socialist Republics
Pour l'Union des Républiques socialistes soviétiques
За Союз Советских Социалистических Республик



Für das Vereinigte Königreich Großbritannien und Nordirland
For the United Kingdom of Great Britain and Northern Ireland
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
За Соединенное Королевство Великобритании и Северной Ирландии

Für die Vereinigten Staaten von Amerika
For the United States of America
Pour les Etats-Unis d'Amérique
За Соединенные Штаты Америки

James A. Baker III

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, September 24, 1990.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Treaty on the Final Settlement with Respect to Germany and its related Agreed Minute, signed by the United States of America, the Federal Republic of Germany, the German Democratic Republic, the French Republic, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland in Moscow on September 12, 1990. This Treaty affirms the final borders of the united Germany, provides for the withdrawal of all Soviet forces over the next four years, effectively allows the united Germany to be a full, active member of NATO and terminates all reserved rights hitherto held by the United States, Great Britain, France and the Soviet Union ("the Four Powers"). I would also like to draw your attention to the texts of three letters which were exchanged on issues arising from the unification of Germany. The first is a letter from Secretary of State Baker to Foreign Minister Genscher of the Federal Republic of Germany dated September 11, 1990; the second is a letter from Foreign Minister Genscher and Prime Minister and Foreign Minister de Maiziere of the German Democratic Republic to their counterparts in the Two-plus-Four negotiations dated September 12, 1990; and the third is a letter dated September 18, 1990 from Foreign Minister Genscher to Secretary Baker.

In agreements concluded during and immediately after the Second World War, the Four Powers agreed that Germany, as part of its unconditional surrender, would be occupied by them. The Soviets occupied what is now the German Democratic Republic, and the former British, French and American zones now comprise the Federal Republic of Germany. The Western Allies were careful to make clear from the very beginning of their occupation that they were not annexing Germany, that "Germany" as a state would continue to exist under international law and that they reserved a voice in Germany's ultimate boundaries.

The Federal Republic of Germany was founded with the approval of the three Western Allies on September 21, 1949. In the Convention on Relations with the Federal Republic of Germany, the three Western Allies stated that it was their essential aim to have "a unified Germany enjoying a liberal-democratic constitution." Pursuant to this Convention, the Western Allies ended the occupation regime in the Federal Republic of Germany on May 5, 1955, explic-

itly reserving their rights with respect to Germany as a whole, a peace treaty, the setting of Germany's ultimate boundaries and Berlin.

On October 7, 1949, the Soviets authorized the establishment of the German Democratic Republic. The Soviet Union formally granted sovereignty to the German Democratic Republic on March 25, 1954.

As a result of wartime agreements, Berlin was similarly divided into four sectors to be occupied by the Four Powers and jointly governed by the Allied Kommandatura ("AK"), made up of the military commandants of the Four Powers. Even though the Soviets left the AK on July 1, 1948, the AK remains the supreme authortiy with respect to all of Greater Berlin. But since 1948 the Western Allies have been able to exercise their authority through the AK in practice only in the Western Sectors of Berlin.

Berlin was never formally included as a state in the Federal Republic of Germany. Moreover, even though the German Democratic Republic claimed the Soviet Sector, East Berlin, as its capital, the Western Allies have never recognized the incorporation of the Soviet Sector of East Berlin into East Germany.

Although Berlin was not formally incorporated into the Federal Republic of Germany and legally remains under the Four-Power status established immediately after the war, the Western Sectors of Berlin have been increasingly incorporated into the legal, economic and social structure of the Federal Republic of Germany. The Allies have maintained a range of rights with respect to Berlin in order to assure access to and the security of Berlin. The Allies continue to exercise rights regarding Berlin in three main areas: access and free circulation; demilitarization; and security and intelligence functions. Of these, access (particularly air access) has been the most crucial area since the 1948 Soviet blockade of Berlin. In 1971 the Four Powers concluded the Quadripartite Agreement on Berlin, which left the divergent legal views on Berlin and Germany as a whole untouched, but which largely removed Berlin as a friction point and brought about considerable practical improvements in civilian access, communication, trade and other areas between West Berlin and the Federal Republic of Germany.

Dramatic developments in eastern Europe that began in the Fall of 1989, including the peaceful revolution in East Germany, the opening of the Berlin wall, and the decision by the people of East Germany to join West Germany and thus unify under one free and democratic German state, set the stage for final resolution of the open questions concerning Germany. On February 13, 1990, the foreign ministers of the two German states and of the Four Powers agreed to commence what became known as the "Two-plus-Four" negotiations to address the external issues regarding Germany and German unification.

The six Foreign Ministers met four times in the ensuing months, on May 5, in Bonn, on June 22 in Berlin, on July 17 in Paris and on September 12 in Moscow. There were also ten meetings of the Two-plus-Four at sub-ministerial level. The Foreign Minister of Poland also participated in that part of the July 17 Ministerial meeting that dealt with the Polish-German border, as did a senior

official of the Polish Foreign Ministry at the July 4 meeting of the Two-plus-Four at sub-ministerial level.

From the perspective of the United States, this Treaty needed to address the basic outstanding questions concerning Germany: the unambiguous establishment of a democratic, united Germany enjoying sovereignty over its internal and external affairs, the establishment of definitive German borders, and the complete renunciation of all reserved Four-Power rights left over from the Second World War.

The Treaty fulfills our goals in all respects. It ends the artificial division of Germany and Berlin; it provides for the full withdrawal of all Soviet forces over the next four years; and it terminates all remaining Four-Power rights and responsibilities for Berlin and for Germany as a whole. It creates the basis for the emergence of a united Germany, democratic and free, including its right to choose its membership in the NATO alliance. The Treaty also makes clear that the current external borders of the Federal Republic of Germany and German Democratic Republic shall be the final and definitive borders of a united Germany.

The Preamble to the Treaty takes note of the fact that the parties have been living in peace for the past forty-five years and of the recent historic changes in Europe. It recalls, *inter alia,* the parties' obligations under the United Nations Charter and the principles of the Final Act of the Helsinki Conference on Security and Cooperation in Europe and confirms their readiness to reinforce everyone's security, in particular by adopting effective arms control, disarmament and confidence-building measures. It also welcomes the decision of the German people to live in a democratic, unified state and states the intent of the Parties to conclude the final settlement with respect to Germany.

Article 1 establishes that the external borders of the Federal Republic of Germany and the German Democratic Republic shall be the external borders of the united Germany, definitive from the date on which the Treaty comes into force. The article also includes the German assurance that the united Germany has no territorial claims whatsoever against other states, now or in the future; that Germany and Poland shall confirm the existing border between them in a treaty that is binding under international law; and that the constitution of the united Germany shall not contain provisions inconsistent with the border principles set forth in the Treaty.

Article 2 contains assurances from the two German states that only peace will emanate form German soil, that according to the constitution of the united Germany acts which disturb the peace will be unconstitutional and a punishable offense and that the united Germany will never employ any of its weapons except in accordance with its constitution and the Charter of the United Nations.

Certain German assurances and statements regarding arms control are contained in Article 3. Specifically, Article 3 includes the two German states' reaffirmation of their renunciation of the manufacture and possession of and control over nuclear, biological and chemical weapons, as well as their commitment that the united Germany will also abide by these commitments. Article 3 also in-

cludes a statement made in Vienna at the Negotiations on Conventional Armed Forces in Europe by the Federal Republic of Germany, in full agreement with the Government of the German Democratic Republic, that the armed forces of the united Germany shall be reduced to 370,000 within three to four years, commencing on the entry into force of the first Conventional Armed Forces in Europe Agreement.

The Governments of the two German states and the Soviet Union state in Article 4 that they will settle by treaty the conditions for and the duration of the presence of Soviet armed forces on the territory of the present German Democratic Republic and of Berlin, as well as the conduct of the withdrawal of these armed forces which will be completed by the end of 1994.

Article 5 of the Treaty deals with the stationing of troops and military activity in the present territory of the German Democratic Republic and Berlin both during and after the Soviet withdrawal from that territory. It provides that only German territorial defense units not integrated into the North Atlantic Treaty Organization shall be stationed in that territory until the completion of the withdrawal of Soviet armed forces in accordance with the Soviet commitment to withdraw their forces by the end of 1994. Article 5 also states that the Government of the united Germany will reach agreement with the Western Allies on the continued stationing of the forces of the United States, United Kingdom and France in Berlin for the period of the Soviet presence. The Treaty also provides that the number of non-German troops and the amount of their equipment will not be greater than at the time of signature of the Treaty and they will not introduce new categories of weapons.

Article 5 further provides that following the withdrawal of Soviet troops, German armed forces fully integrated into any alliance structure to which Germany is a member may be stationed in that part of Germany. German forces may not introduce into that part of Germany nuclear weapons carriers. This does not, however, preclude the introduction of "conventional weapon systems which may have other capabilities in addition to conventional ones but which in that part of Germany are equipped for a conventional role and designated only for such." Also pursuant to Article 5, foreign armed forces and nuclear weapons or their carriers will not be stationed in that part of Germany or deployed there after the Soviet withdrawal. An Agreed Minute to the Treaty provides that application of the word "deployed" as used in this Article for the period after Soviet withdrawal shall be decided by the Government of the united Germany "in a reasonable and responsible way taking into account the security interests of each Contracting Party as set forth in the preamble."

Article 6 preserves the united Germany's right to belong to alliances, with all the rights and responsibilities arising therefrom.

The Four Powers terminate their rights and responsibilities relating to Berlin and to Germany as a whole in Article 7. Accordingly, the corresponding, related quadripartite agreements, decisions and practices are terminated and all related Four-Power institutions are also dissolved.

Article 8 provides that the Treaty shall be ratified or accepted by the parties and, in the German case, by the Parliament of the united Germany as soon as possible.

The Treaty shall enter into force, in accordance with Article 9, on the date of deposit of the last instrument of ratification or acceptance by the united Germany, the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 10 provides that the original of the Treaty shall be deposited with the Government of the Federal Republic of Germany and that all four language texts are authentic.

I recommend that you transmit this Treaty, with its Agreed Minute, to the Senate with the recommendation that the Senate give its advice and consent at an early date.

Respectfully submitted,

JAMES A. BAKER III.

Attachments:

1. Letter from the Secretary of State to Foreign Minister Genscher of the Federal Republic of Germany dated September 11, 1990.
2. Letter from Foreign Minister Genscher and Prime Minister and Foreign Minister de Maiziere of the German Democratic Republic of their counterparts in the Two-plus-Four negotiations dated September 12, 1990.
3. Letter from Foreign Minister Genscher to the Secretary of State dated September 18, 1990.

RELATED LETTERS FOR THE INFORMATION OF THE SENATE

[Text of Letter from Secretary of State James A. Baker III to Foreign Minister Hans-Dietrich Genscher delivered by Embassy Bonn on September 11, 1990]

MR. FOREIGN MINISTER: With reference to the June 15, 1990 Joint Declaration by the Governments of the Federal Republic of Germany and the German Democratic Republic on the settlement of outstanding property matters and Article 41 of the Treaty of August 31, 1990 between the Federal Republic of Germany and the German Democratic Republic establishing German unity, I wish formally to confirm the position of the Government of the United States, as stated in the course of negotiations, as well as in prior discussions with both your Government and that of the German Democratic Republic, concerning compensation to United States citizens whose property was taken in the former Soviet Zone of occupation in Germany or in the Soviet sector of Berlin. Recognizing the domestic role of the future all-German Parliament, the United States Government is of the opinion that under international law claims of U.S. nationals that have been the subject of inter-governmental negotiations between the Governments of the United States and the German Democratic Republic, including such claims arising in the period 1945–1949, must be resolved in inter-governmental discussions between the Governments of the United States and the Federal Republic of Germany. The United States Government understands that neither the aforementioned Declaration or Treaty, nor any arrangement made in connection with the forth-

coming Final Settlement with respect to Germany, is intended to suggest any disagreement with the foregoing position.

Please accept, Mr. Foreign Minister, the assurances of our highest consideration.

[JAMES A. BAKER III]

[Translation]

[MOSCOW, *12 September 1990*]

Mr. FOREIGN MINISTER: In connection with the signing today of the Treaty on the Final Settlement with Respect to Germany we would like to inform you that the Governments of the Federal Republic of Germany and the German Democratic Republic declared the following in the negotiations:

1. The Joint Declaration of 15 June 1990 by the Governments of the Federal Republic of Germany and the German Democratic Republic on the settlement of outstanding property matters contains inter alia the following observations:

> The expropriations effected on the basis of occupation law or sovereignty (between 1945 and 1949) are irreversible. The Governments of the Soviet Union and the German Democratic Republic do not see any means of revising the measures taken then. The Government of the Federal Republic of Germany takes note of this in the light of the historical development. It is of the opinion that a final decision on any public compensation must be reserved for a future all-German parliament.

According to Article 41(1) of the Treaty of 31 August 1990 between the Federal Republic of Germany and the German Democratic Republic Establishing German Unity (Unification Treaty), the aforementioned Joint Declaration forms an integral part of the Treaty. Pursuant to Article 41(3) of the Unification Treaty, the Federal Republic of Germany will not enact any legislation contradicting the part of the Joint Declaration quoted above.

2. The monuments dedicated to the victims of war and tyranny which have been erected on German soil will be respected and will enjoy the protection of German law. The same applies to the war graves, which will be maintained and looked after.

3. In the united Germany, too, the free democratic basic order will be protected by the Constitution. It provides the basis for ensuring that parties which, by reason of their aims or the behaviour of their adherents, seek to impair or abolish the free democratic basic order as well as associations which are directed against the constitutional order or the concept of international understanding can be prohibited. This also applies to parties and associations with National Socialist aims.

4. On the treaties of the German Democratic Republic, the following has been agreed in Article 12 (1) and (2) of the Treaty of 31 August 1990 between the Federal Republic of Germany and the German Democratic Republic Establishing German Unity:

> The Contracting Parties agree that, as part of the process of establishing German unity, the international treaties concluded by the German Democratic Republic shall

be discussed with the contracting parties in terms of the protection of bona fide rights, the interests of the states concerned and the treaty obligations of the Federal Republic of Germany as well as in the light of the principles of a free democratic basic order founded on the rule of law and taking into account the responsibilities of the European Communities in order to regulate or ascertain the continuance, adjustment or termination of such treaties.

The united Germany shall lay down its position on the continuance of international treaties of the German Democratic Republic after consultations with the respective contracting parties and with the European Communities insofar as their responsibilities are affected.

Accept, Mr. Foreign Minister, the assurances of our high consideration.

[LOTHAR DE MAIZIÈRE]
[HANS-DIETRICH GENSCHER]

[Translation]

THE FEDERAL MINISTER FOR FOREIGN AFFAIRS,
Bonn, 18 September 1990.

The Honourable JAMES A. BAKER III,
Secretary of State of the United States of America,
Washington, D.C.

DEAR JIM: In reply to your letters of 5 and 11 September and following up our conversation on 15 September, I wish to give you the following assurance on behalf of the Government of the Federal Republic of Germany with regard to questions of compensation and restitution.

Without prejudice to any other claim issue, the Government of the Federal Republic of Germany will resolve in intergovernmental discussions with the Government of the United States shortly after unification the claims of United States nationals that have been the subject of governmental negotiations between the governments of the United States and the German Democratic Republic.

The Federal Republic of Germany will also seek to provide expeditious and satisfactory resolution of claims of Jewish victims of the Nazi regime against the German Democratic Republic shortly after unification.

Sincerely,

HANS-DIETRICH GENSCHER.

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